

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
Indianapolis Division**

CUSHION SEATS, INC.)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.: 1:09-cv-01342-
)	WTL-DML
)	
ISP STADIUM SEATING, LLC;)	
INTERNATIONAL SPORTS PROPERTIES,)	TRIAL BY JURY DEMANDED
INC.)	
)	
Defendants.)	
)	

MOTION FOR EXTENSION OF TIME TO SERVE COMPLAINT

Plaintiff Cushion Seats, Inc. (“Plaintiff”) moves the Court to allow an additional 60 days to serve the Complaint which was filed with the Court on October 27, 2009. In support of the motion, Plaintiff states as follows:

1. The Complaint in this action was filed with the Court on October 27, 2009. The 120 day time limit for service pursuant to Fed. R. Civ. P. 4(m) expires today.
 2. The Parties have discussed settlement; Plaintiff believes that additional time will be helpful to advance resolution of the action.
 3. Fed. R. Civ. P. 4(m) states that the Court must extend the time for service if “good cause” is shown.
 4. Rule 4(m) also authorizes the Court to extend the period without a showing of “good cause” stating that the Court may “order that service be made within a specified time.”
- Fed. R. Civ. P. 4(m). The 1993 Advisory Committee Notes to subdivision 4(m) state:

The new subdivision explicitly provides that the court shall allow additional time if there is good cause for the plaintiff's failure to

effect service in the prescribed 120 days, and authorizes the court to relieve a plaintiff of the consequences of an application of this subdivision even if there is no good cause shown.

5. For the reasons stated above, Plaintiff respectfully requests an additional 60 days, or until Monday, April 26, 2010, to serve the Complaint on the Defendants.

Dated: February 24, 2010

Respectfully submitted,

/s/ Anthony E. Dowell
Anthony E. Dowell
DOWELL BAKER, P.C.
201 Main St., Suite 710
Lafayette, IN 47901
(765) 429-4004
aedowell@dowellbaker.com
ATTORNEY FOR PLAINTIFF